

JAN 21 2011

A BILL FOR AN ACT

RELATING TO PERMIT PROCESSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended
2 by adding a new section to part I to be appropriately designated
3 and to read as follows:

4 "§46- County building permits; no liability;
5 architect's stamp. If an architect, licensed under chapter 464,
6 has affixed the architect's stamp upon the application for
7 building permit or approval, each county agency responsible for
8 issuing any building permit or approval shall be absolved of any
9 and all liability related to the issuance of the permit or
10 approval. The agency shall also be relieved of any duty to
11 conduct a project review if an architect, licensed under chapter
12 464, has affixed the architect's stamp upon the application for
13 a building permit or approval."

14 SECTION 2. Section 201-62, Hawaii Revised Statutes, is
15 amended by amending subsection (c) to read as follows:

16 "(c) The procedure shall be as follows:

17 (1) An applicant for two or more state permits may apply
18 in writing to the department requesting a facilitated



1 application process for the consideration of the
2 application. The written request shall include
3 sufficient data about the proposed project for the
4 department to determine which other agencies or
5 authorities may have jurisdiction;

6 (2) Upon receiving a written request for the facilitated
7 application process, the department shall notify all
8 federal, state, and county agencies or authorities
9 that the department determines may have jurisdiction
10 over part or all of the proposed project, and require
11 those state agencies or authorities and invite those
12 county and federal agencies or authorities to
13 participate in the facilitated application process;

14 (3) The applicant and each agency or authority required or
15 agreeing to participate in the facilitated application
16 process shall designate a representative to serve on
17 the facilitated application review team;

18 (4) Any state agency or authority designated by the
19 department as a party to an application review that is
20 not able to participate, shall submit an explanation,
21 in writing, to the department as to the reasons and
22 circumstances for noncompliance;



- 1 (5) The representatives of the agencies, authorities, and
2 the applicant may develop and sign a joint agreement
3 among themselves identifying the members of the
4 facilitated application review team, specifying the
5 regulatory and review responsibilities of each
6 government agency and setting forth the
7 responsibilities of the applicant, and establishing a
8 timetable for regulatory review, the conduct of
9 necessary hearings, preparation of an environmental
10 impact statement if necessary, and other actions
11 required to minimize duplication and coordinate the
12 activities of the applicant, agencies, and
13 authorities;
- 14 (6) Each agency or authority shall issue its own permit or
15 approval based upon its own jurisdiction[-]; provided
16 that each agency or authority shall be absolved of any
17 and all liability related to the issuance of the
18 permit or approval if an architect, licensed under
19 chapter 464, has affixed the architect's stamp upon
20 the application for a permit or approval; and provided
21 further that the agency or authority shall be relieved
22 of any duty to conduct a project review if an



1 architect, licensed under chapter 464, has affixed the
 2 architect's stamp upon the application for a permit or
 3 approval. The facilitated application process shall
 4 not affect or invalidate the jurisdiction or authority
 5 of any agency under existing law; and

6 (7) The applicant shall apply directly to each federal or
 7 county agency that does not participate in the
 8 facilitated application process."

9 SECTION 3. This Act does not affect rights and duties that
 10 matured, penalties that were incurred, and proceedings that were
 11 begun before its effective date.

12 SECTION 4. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Permit Processing

Description:

Streamlines the facilitated application process by authorizing the use of an architect's stamp to absolve permitting agencies of liabilities in issuing a permit or approval and to relieve permitting agencies of any duty to conduct project reviews prior to issuing a permit or approval.

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